IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 12.10.2006

Oriental Insurance Co.Ltd.

...Appellant

versus

Smt.Soma Devi and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice Mahesh Grover.

Present: Mr.Amit Rawal, Advocate,
for the appellant.

UMA NATH SINGH, J. (Oral)

This judgment shall also dispose of connected FAO No.3859 of 2006 (Oriental Insurance Co.Ltd. versus Smt.Rajni Devi and others), as both these matters arise out of a common award dated 19.4.2004 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Gurdaspur, in MACT Case Nos.22 & 23 of 2004, awarding a sum of Rs.2,30,400/- each, in two claim petitions pertaining to two deaths.

In these appeals by the insurer, learned counsel submitted that the appellant was granted permission to contest the matter on merits under Section 170 of the Motor Vehicles Act, 1988 (for short `the Act') before the Tribunal. As such, he urged two points, namely, (i) though the deceased, owner of the vehicle, deposited an extra amount of Rs.50/- covering his personal insurance but the same cannot cover the pillion rider, and (ii) that the owner of the vehicle cannot be said to be a third party in terms of the policy.

We have carefully considered both the submissions and we find no force for the reason that the policy in question is a package policy

and not an Act policy. Admittedly, an extra amount has been paid and accepted towards personal insurance of the person travelling on the motorcycle. As regards the status of the owner being third party, since it is not an Act policy and the owner's personal insurance is covered, this argument would not be tenable.

Accordingly, we do not find any merit in both these appeals for admission. Hence, both the appeals are dismissed in limine.

(UMA NATH SINGH)
JUDGE

October 12, 2006 **(MAHESH GROVER)**
pk **JUDGE**